

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
MARIANNA LEVIN,	:	
	:	S1 20 Cr. 681 (JPC)
Defendant.	:	
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WHEREAS, on or about December 21, 2020, MARIANNA LEVIN (the “Defendant”), among others, was charged in a five-count Superseding Indictment, S1 20 Cr. 681 (JPC) (the “Indictment”), with, *inter alia*, wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Count Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission the offense charged in Count Three of the Indictment, including but not limited to a sum of money in United States currency, representing the proceeds traceable to the commission of the offense charged in Count Three of the Indictment;

WHEREAS, on or about June 1, 2022, the Defendant pled guilty to Count Three of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Three of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), a sum of money in United States currency of at least

\$1,496,000, representing the proceeds traceable to the commission of the offense charged in Count Three of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$1,496,000 in United States currency, representing the amount of proceeds traceable to the offense charged in Count Three of the Indictment that the Defendant personally obtained;

WHEREAS, the Defendant agrees to (i) make a payment to the Government in the amount of \$500,000 in United States currency to be applied towards the satisfaction of the forfeiture money judgment imposed by this Court within thirty (30) days of the entry of this Consent Preliminary Order of Forfeiture/Money Judgment (the “Initial Payment”); and (ii) make subsequent payments to the Government to satisfy the remaining balance of the forfeiture money judgment imposed by this Court within eighteen (18) months of the entry of this Consent Preliminary Order of Forfeiture/Money Judgment (the “Remaining Payments”); and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count Three of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Daniel G. Nessim, of counsel, and the Defendant and his counsel, Sean Hecker, Esq. and Jenna Dabbs, Esq., that:

1. As a result of the offense charged in Count Three of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$1,496,000 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count Three of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant MARIANNA LEVIN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. The Defendant shall make the Initial Payment within thirty (30) days of the entry of this Consent Preliminary Order of Forfeiture/Money Judgment.

6. The Defendant shall make the Remaining Payments on or before eighteen (18) months (the "Payment Period") from the entry of this Consent Preliminary Order of Forfeiture/Money Judgment.

7. The Government agrees not to take any action, pursuant to Title 18, United States Code, Section 853(p), seeking the forfeiture of substitute assets of the Defendant during the Payment Period. If the Defendant fails to make the Initial Payment or the Remaining Payments, the Government may take action pursuant to Title 18, United States Code, Section 853(p).

8. Subject to the terms set forth above, pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

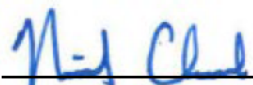
10. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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11. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York


By:  _____
NICHOLAS W. CHICHIOLO
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1247

2/9/2023
DATE

MARIANNA LEVIN

By:  _____
MARIANNA LEVIN

02/23/2023
DATE

By:  _____
SEAN HECKER, ESQ.
JENNA DABBS, ESQ.
Attorneys for Defendant
Kaplan Hecker & Fink LLP
350 Fifth Avenue 63rd Floor
New York, NY 10118

02/23/2023
DATE

SO ORDERED:

 _____
HONORABLE JOHN P. CRONAN
UNITED STATES DISTRICT JUDGE

March 15, 2023
DATE